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Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

JOHN MITCHELL,	)
	)
Plaintiff,	)
	)
V.	)
	)
UNITED STATES OF	)
AMERICA, et al.,	)
	)
Defendants.	)
	)

**MOTION FOR LEAVE TO FILE FIRST AMENDED COMPLAINT**

Plaintiff, John Mitchell, by and through his attorney, Joe P. Josephson, moves for leave to file the attached First Amended Complaint, naming as a defendant herein the Honorable Pete Geren, Acting Secretary of the Army. Secretary Geren was appointed Acting Secretary of the Army effective March 7, 2007.

The grounds for this motion are that the defendants contended, and the district court held, that the Secretary is the correct defendant to be named in the plaintiff's complaint alleging discrimination under the Age Discrimination in

Employment Act ("ADEA"), 29 U.S.C. sec. 633a.

The filing of the First Amended Complaint is designed to enable the controversy regarding the alleged age discrimination to be adjudged upon its merits.

DATED May 8, 2007, at Anchorage, Alaska.

/s/ Joe P. Josephson  
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**Certificate of Service**

I hereby certify that on 5/9/07, a copy of the foregoing First Amended Complaint was served electronically on Richard Pomeroy.

/s/ Joe P. Josephson